



peopleforbikes

P.O. BOX 2359 BOULDER, CO 80306
PeopleForBikes.org | 303.449.4893

September 12, 2023

The Hon. Tyrone Carter, Chair
House Committee on Regulatory Reform

Subject: House Bill 4562, Digital Electronic Equipment Repair Act

Dear Chair Carter,

On behalf of the PeopleForBikes Coalition, we write to you to express our concern with House Bill 4562. If signed into law, this bill would require manufacturers of electronic or appliance products to make available information regarding the diagnosis, maintenance, or repair of a product to product owners and service and repair facilities.

As currently written, it is not clear whether the requirements proposed in the bill would apply to electric bicycles. For the reasons discussed below, PeopleForBikes believes that creating a right to repair electric bicycles would unintentionally create unreasonable risks for consumers from the large lithium ion batteries used in these products. We ask that you please consider adding the following language to the bill, which parallels exclusionary language for similar vehicles that has been introduced in [House Bill 4673](#):

Agricultural equipment does not include any of the following:

- (i) A self-propelled vehicle designed primarily for the transportation of individuals or property on a street or highway and that is certified by the manufacturer under any applicable federal safety and emission standards and requirements for distribution and sale in the United States.*
- (ii) An off-highway vehicle.*
- (iii) A personal watercraft.*
- (iv) A snowmobile.*
- (v) An electric bicycle.*

By way of introduction, the PeopleForBikes Coalition is the national advocacy group that works for better policies and infrastructure for bike riding. We are also the sole national trade association for manufacturers, suppliers, and distributors of bicycle products, including electric bicycles. We work to make bike riding a safer and more inclusive activity for everyone, including those who ride electric bicycles.

Electric bicycles are the future of personal mobility and recreation thanks to their environmental benefits and their inclusive nature and are becoming increasingly popular as they allow people to relieve themselves of the financial burdens associated with car ownership. Electric bicycles have made significant progress in the last ten years. With advancements in battery technology, motor design, and cargo carrying capacity, electric bicycles are now a viable full-time transportation option for many Americans. We are firm believers that electric bicycles are a critical tool for achieving our nation's climate, environmental, health, and transportation objectives.

Because electric bicycles utilize advanced digital battery management technology and relatively complex drive systems with multiple sensors, they are not amenable to home repair by consumers. They should instead be serviced by trained technicians employed by local bicycle retailers. Major drive system manufacturers and suppliers offer training, certification and service support for their systems, and most local bicycle retailers are able to provide repair services at a reasonable cost. Because these drive systems are used across multiple brands of electric bicycles, a bicycle shop does not need to be an authorized dealer of any particular brand in order to have their staff trained and able to provide service for the various drive systems on the market.

As currently written, House Bill 4562 would create a right of access by consumers to product documentation, repair tools and parts for a broadly defined class of "Digital electronic equipment" where the manufacturer has created a system of licensed repair centers. The right to documentation would include schematics and security codes used to diagnose software and hardware issues, including the ability to reset security features on the electrical equipment.

This is far more than an issue of semantics for our members who make and/or sell electric bicycles and/or their component parts. Recently we have seen an unfortunate increase in fires, injuries and deaths attributable to personal e-mobility devices such as electric scooters, hoverboards, and some brands of electric bicycles. Many of these fires appear to be caused by consumers and others attempting to service these devices themselves, or even re-manufacture lithium ion batteries for these devices in residential buildings.¹ At a recent public hearing on battery safety for e-mobility devices, the U.S. Consumer Product Safety Commission (CPSC) heard from numerous witnesses who testified that there really is no safe way to "repair" the batteries used by these devices.² The CPSC has also asked an Underwriters Laboratory working group to develop amendments to UL 2849 and UL 2271 (consensus safety standards for electric bicycles and batteries) and "identify means of discouraging user servicing such as cell replacement, e.g., use of tamper resistant fasteners or sealed enclosures."³ Again, these products, like the other vehicles that would be specifically excluded in HB 4673, are simply not amenable to safe repair by individuals who have not received training from a manufacturer or a supplier.

¹ Attempts to modify or refurbish lithium ion batteries have been identified as the cause of fatal structure fires by the New York Fire Department. See Hearing Transcript of 11-14-2022 at 39-42 and 74-75;

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5839354&GUID=D0854615-5297-460B-BCBC-646D24A75B2E#:~:text=No%20powered%20bicycle%20or%20powered.if%20such%20powered%20bicycle%2C%20powered>

² <https://www.youtube.com/watch?v=LrczhCnXl4w>

³ [https://www.cpsc.gov/s3fs-public/CPSC-Letter-to-STPs-2849-and-2272-February-10-2023.pdf?VersionId=ndtrZ8Gp6E-diYgtwzl.grXEjyk82ilx2#:~:text=The%20U.S.%20Consumer%20Product%20Safety%20Commission%20\(CPSC\)%20technical%20staff%20is,ANS%2FCAN%2FUL%202272%20%2D](https://www.cpsc.gov/s3fs-public/CPSC-Letter-to-STPs-2849-and-2272-February-10-2023.pdf?VersionId=ndtrZ8Gp6E-diYgtwzl.grXEjyk82ilx2#:~:text=The%20U.S.%20Consumer%20Product%20Safety%20Commission%20(CPSC)%20technical%20staff%20is,ANS%2FCAN%2FUL%202272%20%2D)

Further, providing consumers with the security codes for the software that controls an electric bicycle would allow them to defeat electronic “governors” set by the manufacturer that control the maximum speed the product can attain to within legal limits, presenting additional safety risks for consumers and pedestrians.

We note that in adopting its own version of “right to repair” legislation, the State of New York specifically excluded electric bicycles because of these same safety concerns. The City of New York has already banned the sale of refurbished batteries for mobility devices. That consumers and others should not be attempting to service or “recondition” lithium ion batteries for electric bicycles is also the specific goal of S9596, a [bill recently introduced](#) in the New York State Senate. PeopleForBikes believes that Michigan would do well to follow the lead of the state with the most experience with e-mobility devices.

We appreciate your consideration of our concerns and welcome the opportunity to provide any further information your office may require.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Moore', with a stylized flourish at the end.

Matt Moore
Policy Counsel
matt@peopleforbikes.org